

KAHN BROWN & POORE LLP
2200 Powell Street, Suite 745
Emeryville, California 94608

Telephone: (510) 923-6280

Facsimile: (510) 923-6285

June 2, 2008

County Counsel
Stephen Raab, Esq.
3501 Civic Center Drive, Room 303
San Rafael, CA 94903

Re: Karl L. Finley v. County of Marin, et al.
U.S. District Court, Northern District of CA Case No. C 07-05922 TEH

Dear Mr. Raab:

My partner, David Poore, has asked me to assist him in this case. I am responding to your objections on behalf of Ms. Linda Daube to her deposition. This serves as plaintiff's good faith attempt to meet and confer regarding this discovery dispute pursuant to FRCP 37(a)(2)(B).

Objections to a deposition subpoena must be served within fourteen days after service of the subpoena, except that if the subpoena is served less than fourteen days before the deposition, the objections can be served anytime before the deposition. FRCP 45(c)(2)(B). Plaintiff's subpoena was served on April 25, twenty-four days in advance of the deposition noticed for May 19. As such, any objections were due by May 9. Your objections served on May 16, are untimely. Failure to serve timely objections waives all grounds for objection, including privilege. *In re DG Acquisition Corp.* 151 F.3d 75, 81 (privilege against self-incrimination waived by delay). Further, you provided no documentation or privilege log in support of the privileges you asserted. FRCP 45(d)(2).

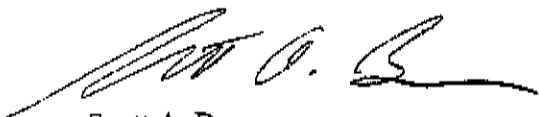
I believe your argument regarding thirty days notice is misplaced. I have found no authority confirming that the thirty days notice requirement under FRCP 34 overrides FRCP 45, with respect to service of subpoenas. Under FRCP 45 the standard is one of reasonableness. This provision specifically contemplates that less than fourteen day service may be proper. FRCP 45(c)(2)(B). I submit that twenty-four days notice is more than reasonable for Ms. Laube's deposition. However, even if it was not, we would have gladly extended the time had you brought this to our attention. Instead, you chose to serve objections without any meet and confer efforts, though required by Local Rule 37-1(a).

Stephen Raab, Esq.
June 2, 2008
Page 2 of 2

Please confirm that you will withdraw your objections and allow us to proceed with the deposition of Ms. Daube. If necessary, we will file a motion to enforce the subpoena and an application for order to show cause why a contest citation should not issue. However, I would prefer to resolve this matter informally and without judicial intervention. On this note, I will make myself available for a conference call to discuss any of the above.

I look forward to your earliest response.

Very truly yours,
KAHN BROWN & POORE LLP

A handwritten signature in black ink, appearing to read "Scott A. Brown", written over a horizontal line.

Scott A. Brown